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### The Advocate, September 11, 1989

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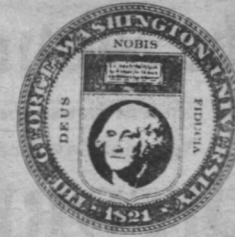
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# The Advocate

THE STUDENT NEWSPAPER OF THE NATIONAL LAW CENTER  
THE GEORGE WASHINGTON UNIVERSITY



Vol. 21. No. 3

Monday, September 11, 1989

## No January Exams

by Brian Malkin

The faculty decided to keep final examinations before Winter Break in the first faculty meeting on September 8th. The faculty voted, however, to adopt an alternative schedule, which allows for a longer examination period.

Dean Friedenthal welcomed the new members and visitors to the NLC faculty for 1989-1990. Representing NLC's student body were SBA president Todd Baldwin, SBA vice-president Gabrielle Roth, and the members of the Current Curriculum Committee: Abby Baynes, Dave Krevier, and Cecilia Kalaby.

Before getting to the controversial exam schedule issue, Dean Friedenthal outlined some of the more recent activities and events, and then allowed individuals to speak about their own progress.

In the area of construction, Dean Friedenthal noted the soon-to-be-completed student computer center will support 18 computers and "some" printers in Room B305. The new facility was made possible due to contributions from Jacob Burns and the Education and Research Fund.

Apparently, someone published a "pornographic paper" and slid this information within copies of *The Advocate*. According to Dean Friedenthal, the paper highlighted NLC's professors in pornographic situations. Dean Friedenthal quickly responded to the situation by having security remove the paper.

For the first time, members of the clinic faculty could and did attend a NLC faculty meeting. Clinic faculty will be treated as other faculty members and receive interdepartmental memoranda.

All new faculty members and adjuncts for legal research and writing were unanimously approved. The September 30th graduates were similarly approved. One faculty member, however, was troubled by the process of always approving new faculty members after they have already been salaried and teaching classes for the semester. Dean Friedenthal explained that he was only following proper parliamentary procedure and trying to avoid any appearance of

oppression.

Dean Robert Stanek, Assistant Dean of Admissions and Financial Aid, summarized the class of 1992 and the financial aid situation. According to Dean Stanek, last year the NLC received the most applications in the school's history, which allowed the Admissions Committee to be "very selective." Last year the average grades of students attending the NLC were 3.37 and the Law School Admissions Test (LSAT) 38; this year the average is 3.39 and 39, respectively. Minority enrollment i.e., African-American, Hispanic, Asian, and American Indian, has now reached eighteen percent for the class of 1992, even though female enrollment went down two percent (currently forty-two percent). An important change to financial aid has been to the calculation of need, which is based on expected rather than the prior year's earnings.

Professor Mary Cheh was elected to be House Representative to the AALS and Professor Cheryl Block was selected as alternate. Cheh was nominated to run uncontested, although she never actually accepted the nomination. Block, on the other hand, was not present at the meeting to voice her anticipated acceptance.

Finally, the meeting focused on the most important issue to students--calendar reform. The

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## Enrichment Kickoff

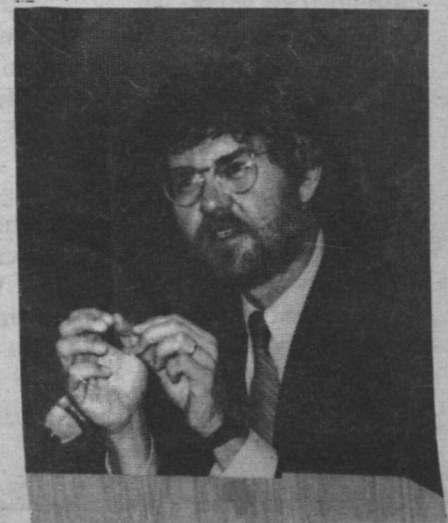
by Steve Sweeney

Kicking off the NLC's Enrichment program, Professor Victor Blasi of the Columbia University Law School spoke about the Supreme Court's last term. Professor Blasi, a scholar of civil liberties, discussed the current Court's "jurisprudential agenda" in terms of a counter-revolution to the Warren Court. He questioned the Rehnquist Court's commitment to judicial restraint and addressed the Court's sensitivity to doctrinal continuity.

Of particular concern to Professor Blasi was Justice Kennedy's "balancing" test propounded in recent drug testing cases. The emerging doctrine involves weighing the rights of an individual against the government's need for information in fourth amendment cases. That a drug test was not a search if it was random also created doubts as to the Court's proclaimed revulsion to judicial activism. Professor Blasi also touched on the following topics: the limitation on developing new doctrine in habeas corpus challenges, the shift in Establishment Clause jurisprudence to permit "generalized endorsement" of religion, the avoidance of a narrow holding in *Webster*, the reduction of risks to employers in Title VII (racial discrimination) cases after the

Photo by Frank Torres

*City of Richmond* firefighters case, the conflicting interpretations of "finality" when challenging consent decrees, and the supposedly "constructionist" view of affirmative action.



Next, Professor Blasi turned to the upcoming term. For the first time, the Court will consider a person's right to die. Blasi fears the Court may consider the issue in the context of abortion, which would further restrict unenumerated rights. Also on the fall docket is examination of remedies for specific findings of racial discrimination. Blasi also expressed concern that the Court may try to use Kennedy's "balancing" (of the rights of the accused against the state's needs) in deciding a self-incrimination case involving child abuse.

Professor Blasi concluded by trying to explain the crystallization of identity among the Court's most recent appointees. He suggested that Justice O'Connor has finally become accustomed to her position as a justice and that, perhaps, she may become bolder in her decisions. Blasi also noted that Justice Kennedy has proven himself much less restrained compared to his lower court record.

Last year's Enrichment program included such distinguished individuals as former Supreme Court Justice Lewis Powell and Arthur Liman, Counsel to Senate committee investigating the Iran-contra scandal. The program offers new perspectives and new opportunities for legal enlightenment. Stay tuned for more "enriching" speakers.

## Next Issue: Starrs & Cannibalism

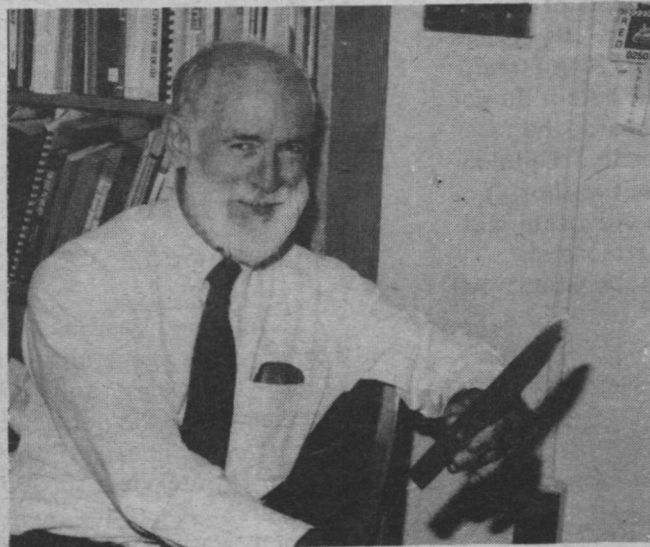


Photo by Frank Torres



# The Advocate

The Student Newspaper of the  
National Law Center

## EDITORIALS

### NLC Cooperation

On Friday, the faculty voted not only to keep exams before winter break but to extend the exam period as well. This decision was made with the input of the NLC community: faculty, administration, the Student Bar Association, and individual students.

All involved should be congratulated for reaching what will hopefully be a solution to the exam nightmare. An extended exam period will give students more time to study. Exams in January would have led to, among other things, a hellish vacation.

Credit goes to the SBA for effectively presenting student opinion on this issue to the faculty. SBA members also lobbied individual faculty members. For their part, the faculty was receptive to what the students had to say.

Such cooperation proves that faculty, administration, and students can work together to make the NLC a better place to study law.

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Sports Editor  
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Fall Semester Publication Dates:

Monday, August 21, 1989  
Monday, August 28, 1989  
Monday, September 11, 1989  
Monday, September 25, 1989  
Monday, October 16, 1989  
Monday, October 30, 1989  
Monday, November 13, 1989

## Letters to the Editor

### Not Impressed

To the Editor:

This letter responds primarily to Frank Torres's column in *The Advocate* (August 28th), though several other scattered remarks caught my eye. First, let me make clear that I have no intention of attacking Frank personally. I don't know him very well, but he seems to be a great guy with whom I would enjoy having a beer and discussing sports, politics, or the law. Moreover, if the comments that evoke this letter had been aimed at me personally, I would just admit silently that Frank may very well be a good judge of personality. I probably did ask "nerdy questions" about *Law Review* two years ago at orientation, and, for all I know, perhaps I have the "personality of a cod."

But, I cannot let pass without comment an unfair attack on more than 200 of my friends and colleagues on the *Law Review* and *Journal*. I do not fully understand why a group so diverse and so representative of the entire student body as the members of these publications should be subjected to a blanket attack. Members of the publications are active in virtually all the NLC's other activities, from the Law Review Show to Moot Court to EJF. One of our members coaches a university athletic team; one helps run the Street Law Program. Several are teaching fellows in the new legal research and writing program. We've worked as research assistants, as judicial interns, and as interns for public interest groups. When you attack us, you attack your friends and roommates, not some aloof, separate, different group of intellectual snobs.

So, let's call a truce. If *The Advocate* and its columnists will stop taking cheap shots at my friends, we won't slip any spading files into your message folders.

Sanford N. Greenberg  
3L - Day

### A Cod is a Cod

To the Editor:

After reading Frank Torres' gross generalization that [*Law Review* and *Journal* members have the personalities of cods (*Gadus morrhua*), I took a minute to interview some *Journal* members. Contrary to Frank's characterization, I found that four people had the personalities of haddock (*Melanogrammus*

*aeglefinus*), two of dogfish (often referred to as the "mud puppy") (*Necturus maculosus*) and one with the personality of an orange roughly (often known as the "Australian slime head" per Bari Cooper and Webster's Third New International Dictionary, Unabridged) (*Trachichthys australis*). I just wanted to clear things up.

Steve Scandurro  
3L - Day

### Pubs Selection

To the Editor:

An article of interest to the NLC recently appeared in the Sept. 1989 issue of the *ABA Journal*. The article discussed the development of minority "set-aside" policies regarding law review membership, and prominently featured staff of the NLC discussing our own minority outreach plan.

It appears that both the *GWU Law Review*, and the *Journal* are of a select few who have adopted these controversial policies in an attempt to improve the quality of their work by bringing greater cultural diversity to their publications. I believe it would be of benefit to readers of *The Advocate* to hear more discussion on both sides of this issue.

Charles D. Cosson  
1L

### Banzhaf Blasted

To the Editor:

Once again Prof. John Banzhaf has made the news: this time advocating that the U.S. Atty's Office press criminal charges of sodomy, charges that carry a penalty of up to 10 years imprisonment, against Representative Barney Frank. Given Prof. Banzhaf's stand on this latest cause, we simply cannot turn a blind eye at the position he supports here for his position is truly disingenuous and hypocritical.

It is well known that Banzhaf likes to tell his new torts students, over some cool lemonade in his office, to "sue the bastards." It is also well known that he likes to tell his "bandits", 2L and 3L students enrolled in Legal Activism: "[T]he law is their six-gun - the great equalizer of the old west that gave the little man a fighting chance against his enemies." What is too bad these days is that Banzhaf's fighting words to protect the underdog, words that we hear from him so frequently,

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## Federal Spending

by Bob Stein

Out of all of the ways in which the federal government spends my money there are two which never cease to make me want to grab the closest Democrat by the throat. The first is expenditures made to research and develop a cure for AIDS (AIDS-aid). The second is foreign economic aid.

AIDS is a disease which affects gays and addicts. I know the liberal media would like to have us believe that we all have an equal shot at acquiring the illness (and therefore why not share the burden of finding a cure, i.e. via government spending). I also realize that some people who are not gay, addicted to drugs, or engage in risky behavior sometimes get the disease. But the fact remains that those are rare exceptions which do not justify sharing the burden of AIDS.

AIDS is a disease which is acquired due to behavior over which an individual has control. There are certain acts which greatly enhance the chances of contracting the disease: male homosexual sex and intravenous drug use. If you do not do these you have very little to worry about. If you take extra precaution in doing things that are slightly risky than your chances of catching AIDS are about the same as me voting for Marion "toot-toot" Barry.

As a citizen who does not engage in any of the high risk acts I am damn mad that my hard earned income has to pay for those who do so act. That is not to say that what these people do is "wrong." As far as I'm concerned if two consenting adults like to reenact scenes from *Deliverance* that's their business. What tees me off is that they know the risks but expect me to pay for the alleviation of the dangers they face.

I have a better idea. Why not leave AIDS research to the free market. That way those who contract the disease could rely on the fact that the incentive to cure their ailment exists to the extent that they are willing to pay for a cure. The monetary valuation they place on the risk will equal society's incentive to invest in a cure. And I will be much happier knowing that my income is not subsidizing drug addiction and homosexuality.

The other set of federal programs which get me madder

than John Wayne in the Kremlin is foreign economic aid. The fact is that there are two kinds of nations in this world (and, actually, two kinds of people). There are those who believe in the principles of individual liberty which are embodied by capitalism and there are those who believe in the altruist myth that either the king, the party, or the majority have the right to sacrifice the natural rights of the individual to either god, the State, the masses, the race, the proletariat, the "common good" or any other cause to which some power hungry thug can convince their countrymen to sacrifice themselves. Those which adhere to liberty are wealthy and those which do not are poor. The former don't need our help, the latter don't deserve it.

Look around the world. Compare Taiwan to China, South Korea to North, West Germany to East, Hong Kong to anywhere in the world where people claim that their lack of natural resources has prevented them from economic development. When we give a country foreign economic aid we are either aiding a nation which is not in need or a people who embody the principles of tyranny which every red, white, and blue blooded American should hate. As far as I'm concerned not one penny of my income should leave this nation's shores just because some socialists from half-way across the globe have control of their government. To demonstrate my sincerity with respect to this issue I would be happier than Ollie North on sentencing day if every cent of economic aid that the U.S. gives to Israel were left out of the budget. Israel has been run by socialists since its birth. I can understand giving them military aid when it is in our interests but I'll be damned if my money should have to go to help keep afloat a nation whose own people keep poking holes in the boat. (If you do not understand why this gesture demonstrates my sincerity recheck my last name and notice the aquiline quality of my proboscis.)

I realize that this article may have upset some, maybe even all. But the voice of a true believer in American freedom needs to be heard once in a while. Contrary to popular opinion every person has the right to retain the wealth he produces. The production put forth by the

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## Gun Control

by Matthew S. Bewig

Bob Stein's provocative essay ["High Noon," August 28, 1989] raises a number of serious issues and invites reply. I will limit my response to the questions raised in his discussion of the second amendment to the U. S. Constitution, which he grossly misreads and fails to understand in its historical context. Contrary to Stein's unsupported assertions, the Second Amendment was intended only to enable the states to maintain effective militias composed of the civilian citizenry.

The text of the Second Amendment reads as follows:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Now, I do not know where or how recently Mr. Stein learned to read, but his exegesis of this text is at best tendentious and at worst deceptive. He asserts that there are two separate rights granted by this language: that of the states to form militias and that of individuals to own and carry arms. The flaw here is that the term "right" appears only once, not twice, in the text; one right, not two, is being delineated. That right is the right of the states to form militias.

As Stein grudgingly admits, the case law on the second amendment provides overwhelming support for this position--just take a look at the relevant pages of the U.S.C.A. I will not bore you with the long list of cases cited there. What is not explained there, and what those

of Stein's ilk seem incapable of understanding, is that their reading of the amendment is ludicrously anachronistic. To the political culture of late Eighteenth Century America, the right to keep and bear arms was predicated, not on the right to protect individual property, but on the citizenry's right--and duty--to protect the Republic.

The political culture of early America was defined by a constellation of ideas and values known as republicanism. Among other things, republicanism held that two forces posed a constant threat to the survival of a republic such as the United States: the overweening ambitions of ruling elites for power and the existence of a large standing Army. Against these the citizenry had always to maintain vigilance, and the means for doing that was the citizen militia. It was to be the guarantor of liberty and republican virtue. Indeed, when the House of Representatives debated the Second Amendment, they did so exclusively in terms of its relationship to the establishment of militias. The right of the individual to bear arms for purposes other than militia duty, such as defense of property, was simply not a part of their conception of the Amendment's purpose. This understanding was reinforced over the next generation by such commentators as William Rawle and Joseph Story.

The weapons industry and its hired guns may wish that the founders had intended to confer upon Americans the right to own and carry weapons for whatever reasons they desire, but a careful reading of the Second Amendment's text, especially in light of its historical context, demonstrates that they did not.

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## COMMENTARY

### Supreme Court Critique

by Phillip Staub

For most of each year, the U.S. Supreme Court is of less concern to the average American than deciding when to put the garbage out. Then, during a handful of weeks, stretching from late May to the first few days of July, a bulk of the Court's opinions are handed down.

Some years these decisions are received uneventfully. Some years they briefly capture headlines. Very rarely do these opinions dominate the public's attention the way this summer's did. Networks went so far as to interrupt soap operas and Wimbledon tennis to be live on the scene when these seemingly innocent collections of paper were made available.

A quick look at the issues covered explains why: abortion, capital punishment, civil rights, the establishment clause of religion, and freedom of speech were the main attractions. This is the first in a series of articles aimed at providing a quick review of each topic.

Arguably the most marked decision revealed this summer, *Webster v. Reproductive Health Services* was undoubtedly the most controversial, most awaited, and most publicized. Not only will it certainly affect the legality of abortion in some states, it may also change the political climate for the next several years.

The case was not a direct challenge from a pregnant woman on the legality of abortion, as in *Roe v. Wade* 12 years ago, but was a class action brought by a small group of state health professionals and two nonprofit corporations (one being Reproductive Health Services) against the state of Missouri challenging

an amendment to an existing law governing abortion. Attorney General William Webster of Missouri petitioned the case from the appeals court, Eight Circuit.

In reversing the appeals court decision, the Supreme Court broke the case into four areas, three of which received different votes. This explains the lack of conclusive language in the reporting of the case.

One issue was quickly disposed of. A unanimous Court decided that the section of the law prohibiting the use of public funds for "encouraging or counseling a woman to have an abortion" is moot because all parties to the suit agreed that the provision only applies to state fiscal officers and therefore does not involve the respondents.

Another issue was also dodged, but not as easily. The statute's preamble declares, in short, the human life begins at conception. Five members of the court—Justices Rehnquist, Kennedy, O'Connor, Scalia, and White—found that there was no need to reach a judgment on the preamble since it does not regulate abortions. A notable disagreement was from Justice Stevens, who based his dissenting opinion on the preamble. He decided it violated the establishment clause in its use of Christian morals as the guiding factor in state policy.

This left two challenged parts of the statute, the first bans the use of public facilities or public employees in the performing of an abortion, unless the procedure is necessary for the safety of the pregnant woman, and the second requires physicians to test the viability of any fetus believed to be 20 weeks old or older before performing an abortion.

Rehnquist led the same majority in deciding the ban is

consistent with the Court's earlier opinions. Justices Kennedy and White joined the Chief Justice to decide the requirement of testing is valid because it only makes the tests necessary when they are consistent with the physician's professional judgment. This, the plurality said, is within the states interest to protect life.

The plurality split with O'Connor and Scalia over Rehnquist's urging to reject the *Roe* trimester formula. O'Connor believed this case did not provide the best opportunity to re-examine the old abortion case. Scalia wanted to go further by utterly rejecting *Roe*.

Justices Blackmun, Brennan, and Marshall joined in "a strong dissent which declared that *Roe*'s system remains sound and that the challenges brought by the majority will endanger the "liberty and equality of women." Blackmun, who authored the landmark *Roe* decision, wrote for his fellows dissenters that he "feared for the public esteem of the Court" once *Webster* was released.

Blackmun was well aware that Rehnquist, in accepting the tests for viability starting in the twentieth week and approving a state interest in human life at this point, had launched the first salvo at his system, which allows abortions during the second trimester. The observers outside the court were quick to locate Rehnquist's conclusion that there is no state obligation to "commit any resources to facilitating abortions," and his statements indicating a willingness to lead the new majority in overturning *Roe* when the right case presented itself. No clear indication came from O'Connor—the probable swing vote—as to which side she'd

wind up on in such a case.

Pro-choice advocates were quick to voice their dismay. Fay Wattleton, President of the Planned Parenthood Federation of America, said, "[t]his is a sad day for freedom." Molly Yard of the National Organization for Women added, among the frenzied comments on the Court's steps, that the case was "a total disaster." Comments were also directed at possible discrimination under the decision, contending the one group depending on publicly provided abortions, the poor, would be the only people adversely affected.

Pro-lifer's were equally sure to compliment the decision. Senator Gordon Humphrey of New Hampshire praised the case as "the first big step toward overturning *Roe v. Wade*." And President Bush, who supports an amendment banning abortion outside of rape, incest, or danger to the pregnant woman's health, said the decision begins to "restore to the people the ability to protect the unborn." Others pointed out that only 17 percent of all abortions are performed in public hospitals and concluded that *Webster* is only a small step toward the banning of abortion.

As the President implied, both sides expect battles in a number of states likely to adopt *Webster*-like provisions. Louisiana, Utah, Idaho, Pennsylvania, and Michigan are all slated for immediate skirmishes, while Nebraska, Oklahoma, Minnesota, and Georgia are expected to propose legislation.

But these states may get to do it all over again next year. The Court has accepted certiorari on three more cases which may provide the opportunity to narrow *Roe* further, if not overturn it completely.

#### Corrections

The Advocate regrets that Pam DeGaetano and Lee Weingart were not given credit for all the time and effort they put in as co-chairs of the 1989 Orientation Committee in last week's photo essay. Good job guys!

The Advocate also inadvertently forgot to list 3L infielder Gary

Liebermann as a member of the "The Bulge" in last week's article entitled "Congratulations!"

The reception for the exhibit "Exposing the Photography of the Cherry Tree Yearbook" will be held on Monday, September 25, from 5 - 7 p.m. in the Colonnade Gallery, Third Floor, Marvin Center.

#### Health Insurance Available

Any student interested in purchasing an insurance policy from the University Health Service should go to the Dean of Students Office in Rice Hall (Room 401). The premium for 12-month coverage is \$385.00 for full and part time students. Coverage is also available for dependents. For more information, call 994-6710.

#### The 1989-90 Supreme Court Term

The Georgetown Law Center will be sponsoring "The 1989-1990 Supreme Court Term," a faculty-media briefing on Wednesday, September 13th from 9:00 - 10:30 a.m. The briefing will be held at the G.U. Law Center in room 306. Interested persons should contact Jessica Cogen at 662-9500.



## STUDENT VIEWS

## Boo On Banzhaf: Student Opinion

By Joe Nicholson

I should apologize for bringing before you yet another article about a man whom most people would like to forget, but I believe it is important for students at the NLC to take a serious look at this troubled individual. If for no other reason, it should remind us of how far astray a person can get when travelling without a map (or even a destination for that matter).

When Professor Banzhaf joined the faculty in 1968 the mood throughout the country, particularly on college campuses, was one for liberal change--socially, culturally and morally. Banzhaf and his now well-known style of throwing the law like a pie in the face of the Establishment were quite welcome in such a climate. Back then, he was a hero to many students, precisely because of his smart-alecky, nanny nanny boo boo legal antics. Indeed, it was the students who, in only his third year at the NLC, demanded that Banzhaf be granted tenure, even after the faculty had given him thumbs down.

## Opinion

But times have changed, and one need not speculate too much on whether Banzhaf would enjoy even a fraction of that kind of support were he up for tenure today. While it is true that the mood of the country has also made a dramatic turnabout since 1968, the trouble with Banzhaf is more likely the result of his track record of two decades, a record which, obviously much shorter twenty years ago, painted a vastly different picture.

Over the years, Banzhaf has espoused many causes, great and small. One need only take a look at his fourth floor bulletin board, a veritable shrine of self-congratulation, to find a copy of every scrap of favorable publicity on the man. (He posts photocopies now, presumably because original newspapers are more difficult to reproduce after the board gets torched.) What puzzles everyone, however, is that nowhere can one discern a thread of unity among his many positions over the years. His career has fallen prey to a sort of jurisprudential schizophrenia.

Conservatives don't want him associated with their camp since, after all, this is the man who advocated the showing of X-rated movies on campus, who hurried Spiro Agnew's resignation in 1973 and who spends a lot of time fighting their beloved tobacco industry. Liberals are likewise outraged with him, most recently for adding to the problems of Barney Frank, one of their ablest and most respected allies.

## Who Is This Guy Anyway?

With all of his enemies, the obvious question becomes "Whose side is Banzhaf on and what does he stand for anyway?" The answer to the obvious question is itself fairly obvious, after only the briefest look at the man behind the hype. Hardly the modern-day rebel without a cause, Banzhaf has shown himself to be masterful at finding a cause and appointing himself its leading rebel. From what once may well have been a genuine interest in the causes of the politically powerless or unpopular, Banzhaf's guiding light--to the extent there is any at all--has become one thing and that thing, plain and oh-so-simple, is his ego.

You cannot fault a man for being proud to have achieved great things, but for Banzhaf the thrill of victory and the agony of defeat have sort of melded together and become one--namely, the thrill of publicity. Worse, he does not contain his appetite for self-promotion, his diabolical obsession with himself, at any level, whether he's on national television or in front of a class of first-year law students. Here is a man who gets visibly upset when bad luck or technical difficulty leaves him in front of his torts class without a microphone (the better to intimidate and drown out students' comments). Here is a man who takes every opportunity to wear (and wittingly or not look ridiculous in) a Superman tee shirt (which somehow is reminiscent of the way Leona Helmsley encouraged her staff to call her "Queen." They, incidentally, were also laughing behind her back). Here is a man who every semester force feeds his students a pathetic videotape showing himself throwing water at an old guy on the Morton Downey Show. And, on that subject, here is a man who, during the pitiful decline of that pitiful program,

when the producers were hard pressed to find anyone willing to appear on the show and were in fact "manufacturing" experts to appear as guests, appeared numerous times to deride and be derided, shout and be shouted at. Here is a man who never misses an opportunity to plaster the walls of the NLC with news about himself.

## Media Monster

So what have we got here? Have we got an immature, self-absorbed, pompous little monster? Yes, but more than that. We have, it seems, a man who, in his endless desire to produce more self-promotion than Evil Knievel, chooses as his "causes" not the issues of any down-trodden minority, unless of course it has media potential; not the issues of the moral majority, unless of course it has media potential; not the public trust, unless of course it has media potential; not the, well, you get the picture.

Naturally, the response of his Super-ness, the author of the biweekly "bull," would no doubt

be that it isn't the media attention which causes him to take the positions he takes, but rather that he simply uses the media to promote his causes and help hurry change. While that may occasionally be true, it seems odd that Banzhaf himself should be the spokesperson for so many causes. Why, for example, should he be the one on television complaining about unequal treatment for females at the Cosmos Club or at dry cleaners? Why, one wonders, is he on talk radio programs advocating the prosecution of Barney Frank? Aren't there any women who can better speak out publicly against discrimination against them? And wouldn't it be more appropriate for a law enforcement official to urge Frank's prosecution?

In short, who died and made John Banzhaf spokesperson for the world's causes and pseudo-causes? No one, that's who. But his ego has eaten his conscience, and threatens to eat away at the minds and hearts of NLC students for years to come.

That, I think, is the trouble with Banzhaf.



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## LETTERS TO THE EDITOR

### Boo (Cont'd)

From Page 2

have nothing to do with his latest cause.

Probably most people do not condone Barney Frank's admitted paid sex with a male prostitute, his hiring of him as a personal aide, and his writing letters on Congressional stationery to the male prostitute's probation officer. Even Frank has asked Rep. Julian Dixon, Chairman of the House Committee on Standards of Official Conduct, to investigate the matter. But why is it that Banzhaf suddenly finds public, or rather prurient, interest in advocating the enforcement of a little-used sodomy law against Frank? And why is it that Banzhaf has not previously found public interest in supporting the prosecution of other public officials, based on a sodomy law, for their acts of sexual misconduct? Certainly there have been plenty of sex scandals on the hill to choose from.

Wilbur Mills splashed around in D.C.'s Tidal Basin one night with a stripper, Fanne Fox, a.k.a. "The Argentinean Firecracker" but I never heard of Banzhaf running to the U.S. Atty's Office over that cause. Rep. Wayne Hays worked too much overtime with his pretty stenographer, Elizabeth Ray, but I never heard of Banzhaf running to the authorities over that one, either.

And where was Banzhaf recently when Rep. Gus Savage sexually assaulted a female Peace Corp. volunteer in Africa or when Rep. Jim Bates sexually harassed some female Congressional staffers? Where was Banzhaf when Rep. Donald Lukens sexually involved himself with an underage girl and then allegedly offered her mother a job to buy silence? And where was Banzhaf when former Sen. and Presidential candidate Gary Hart set sail on the "Monkey Business" with Donna Rice?

In *The City Paper* very recently, Barry Lynn, A.C.L.U. legislative counsel, said he could not "figure out clearly what his [Banzhaf's] jurisprudential theory is...." Banzhaf, himself, states that he does not "have a grand, unifying philosophy of what's best for the world." Given the news of his latest cause, I, too, am at a loss for what Banzhaf really stands for. However, one thing is now clear: Banzhaf fails to own up to his positions, particularly this one, which is replete with hypocrisy and pretense.

In the last few years Banzhaf has filed complaints against the

Cosmos Club and the Metropolitan Club for discrimination on the basis of gender under the D.C. Human Rights Act. These clubs had barred women from membership in their organizations. Last year he filed complaints against area dry cleaners, also under the D.C. Human Rights Act, for discrimination on the basis of gender. These dry cleaners had charged women higher cleaning costs than men for similar articles of clothing.

Yet, Banzhaf's latest maneuver, advocating the use of a sodomy law to prosecute openly gay Frank, hardly shows any sensitivity on the part of this public interest lawyer, who claims to fight discrimination against oppressed groups. His claim that he is only enforcing the law, i.e. the sodomy law, in pursuing this cause is also totally insincere. A public interest lawyer, particularly one with Banzhaf's "heady" experience, knows full well that some laws simply are not just. Somehow I find it ironic that Banzhaf used the D.C. Human Rights Act to attack the Cosmos and Metropolitan Clubs, but now advocates the use of a sodomy law against Frank that is actually an anathema discrimination on the basis of sexual orientation.

It is well documented that selective enforcement of sodomy laws on the basis of sexual preference is not a new tactic: for the military it is official policy and common practice. Given the circumstances, I seriously have to wonder if Banzhaf's position is based on negative attitudes and stereotypes about an oppressed group rather than on actual public interest about the Frank situation. Further, I strongly question whether Banzhaf has a double-standard, or for that matter any standard, in which he relies for the protection of oppressed groups against invidious discrimination.

In essence, for someone like Banzhaf, who wants to "buck the established order" and make change, his latest cause only makes him look like a Dan-nemeyer or a Helms. Whether it was prejudice this time or simply Banzhaf's "unabashed self-promotion" and "blatant opportunism," Banzhaf needs to express with integrity and forthrightness what he actually represents as a public interest lawyer. This recent cause should not be a forum for someone, who supposedly cares about discrimination

against oppressed groups, to make political hay. Moreover, while it is clear that Banzhaf may have once again influenced events and had an impact, the result may hardly be so straightforward. There is a good chance, sad to say, that Banzhaf's latest cause will only confirm and reinforce prejudice against a group of people whose rights are already discounted.

Sincerely,

Margaret Fine  
3L

### Death Penalty Response

To the Editor:

In "Justice Unretarded," published in last weeks' *The Advocate*, John Goodwin hales recent Supreme Court decisions on the death penalty in *Penry v. Lynaugh* and *Stanford v. Kentucky* as "refreshing examples of both judicial restraint and plain common sense." In fact, they are neither.

Both *Penry* and *Stanford* depart significantly from precedent--particularly *Coker v. Georgia*--that the majority in these cases so often demand adherence to. In *Coker*, the Burger Court held that the death penalty was unconstitutional when imposed for rape. To reach its decision, the Court analyzed whether the punishment was disproportionate and whether it acted as a deterrent. The Court felt that it was essential to consider the attitude of legislature and juries to see if any national consensus had emerged against the use of the death penalty in certain circumstances. But the Court stated that legislatures and juries alone cannot determine whether a punishment is cruel and unusual; instead the Court's judgment must be brought to bear on the question of the death penalty's acceptability.

In *Stanford*, however, where the Court held that the imposition of capital punishment on juveniles does not violate the eighth amendment, Justice Scalia stated that to determine if a punishment violates an evolving

standard of decency, the Court must look not to its own judgment as the *Coker* Court did but only to the legislature. Absent an overwhelming legislative disapproval, the court reasoned, no penalty can be termed "unusual" and thus cannot violate the eighth amendment.

Thus, the Court rejected the goals of deterrence and retribution, factors which the *Coker* Court relied on. Given *Stanford*, the Court need not look at evidence to determine if these goals are furthered; it must merely determine if the legislators have abandoned the death penalty in certain circumstances. The Justices again abdicated their responsibility to assess whether the statute in question furthered deterrence and retribution in *Penry v. Lynaugh* where Justice O'Connor argued that capital punishment can be imposed on the mentally retarded, despite evidence that the mentally retarded lack the cognitive ability prerequisite to deterrence and are therefore less culpable.

The majority, wedded to judicial restraint, claims it has not overruled existing precedent. However, the Court ignored the core principle that animates *Coker*. While calming to merely revise existing precedent, the Court has, in effect, emasculated it.

The imposition of the death penalty can be legitimate only when applied in an objectively rational way. But as Mr. Goodwin's emotional response to these cases illustrates, achieving rationality in death penalty sentencing is illusive at best and at worst, impossible. The majority, like Mr. Goodwin, has chosen to suppress rather than explore doubts raised by the steady stream of death penalty cases heard by the Courts. In so doing, the Court raises significant doubts as to its willingness to require credibility in capital cases, a credibility which is demanded by precedent.

Kate Gallagher  
2L - Day

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# LAW SCHOOL NEWS

## Exams (Cont'd)

From Page 1

Chair of the committee for calendar reform, Professor Peter Raven-Hansen, discussed the four proposals and proposed that the option which was ultimately selected be considered.

Raven-Hansen commented on the problems of the current system. According to the theory stipulated, the prior exam schedule was so compressed that many students selected classes based on when the exam was given rather than by subject. In addition, student performance could vary, depending upon how compressed the exam, paper, trial, and interview schedule was for an individual student.

After Raven-Hansen's presentation, SBA President Todd Baldwin presented essentially nine reasons not to have exams moved after the Winter Break. First, students wanted to have the burden of exams behind them. Second, an extended exam schedule would interfere with bar review classes. Third, the proposal would shorten exam-grading time. Fourth, there was no need for a fall break, because student interviews fall at the firm's convenience. Fifth, the students would be "further away" from the material for the exam in January. Sixth, NLC students would lose the advantage of ending two weeks earlier than most schools in the summer. Seventh, commencement would be

pushed further in the future, causing additional rent expense for June. Eighth, applications would be lowered because prospective first years would less likely attend a school with exams after Winter Break. Finally, ninth, over seven hundred students signed a petition saying that they were strongly against the proposal.

Professor Roger Trangsrud moved to have the January exam proposal considered instead, and his motion was seconded. Trangsrud believed that the January exam option was necessary for NLC's students to receive a more rigorous legal education. He added that Baldwin's concerns did not subtract from the higher program of the January exam option. Professors Raven-Hansen, Professor Arthur Wilmarth Jr., David Sharpe, and David Robinson Jr. echoed similar support for the January exam plan because it would grant students more time to pull the semester's course work together. Most of Baldwin's other criticisms were met by counters such as, "Although we would like to think our teaching was responsible for the knowledge in the tests, we realize that the students pull the material together for themselves at the end."

Other faculty members, such as Professor Joshua Schwartz, and students, such as Cecilia Kalaby, reiterated concerns for the more

drastic plan of moving exams to January. Both believed that the plan which was ultimately approved was a better compromise for change. Both appeared to be concerned about the additional pressure placed on students during the holidays, when students would need of a break from school.

Both votes were prefaced by "I move for the question," by, as one faculty member described it, the "voice of God," Professor Maximillian Pock. Dean Friedenthal decided to first move for the January exam calendar proposal. Professor Luize Zubrow thoughtfully requested a secret ballot for this more controversial vote. This motion was rejected by the faculty by more than two to one. The second proposal, was orally unanimously voted for. Meeting adjourned.

After the meeting, I had a chance to speak with Baldwin about his views on the controversial proposed calendar reform. Baldwin reflected, "I consider it to be a victory for the students. I think that if students unite and make a point about something, it is clear that the faculty will take that into consideration."

"We did some behind-the-scenes lobbying, and we showed them petitions of student votes in class. The voting showed that a lot of faculty members could not ignore this strong student voice."

## Spending (Cont'd)

From Page 3

individuals of this nation is not a blank check on which our elected officials may draw every time they see a chance to gain popularity or to achieve some goal which accords with their vision or ideals. Some people may believe that my opinion is devoid of compassion. Yet I consider my supposed lack of compassion as far less of an evil than the will to use my compassion as a weapon against me. And that is exactly what AIDS victims and the proponents of foreign aid are doing.

## Rooms

by Dean Alfreda Robinson

Effective [September 5, 1989], there will be a new, centralized procedure for reserving rooms for meetings and special events. Lisa Young in the Records office has a binder that contains the scheduled uses of each room in the building for every day of the week.

If you [student groups] need to use a room for any reason, you must stop by the Records office and pick up a Room Request Form. Certain uses require special permission, so please read the Request Form carefully and secure any necessary signatures or approvals before asking Lisa to schedule your event.

By centralizing the room reservation process, we hope to minimize confusion and possible conflicts, so your cooperation in following the new procedures will be greatly appreciated.

## Tickets

Ever get a traffic ticket you thought you didn't deserve? Or how about that parking ticket you got when you could have sworn the space was legal? Did you pay the fine because you thought trying to contest the ticket would take all day? Or did you appear before a hearing examiner? What did you do?

Some NLC students would like to talk to you about your experience with the traffic adjudication system in the District of Columbia.

We want to clarify the procedures you are entitled to when you receive a ticket in D.C. The information you provide will help to identify the procedures followed in the adjudication process.

If you have information please contact Frank Torres at 522-2893 or Ira Nikelsberg at 820-7980 or leave a message in their folders.

### STRIKEOUT OPTION A (DELAY SPRING)

	Fall 1989	Fall 1990
Classes Begin	8/27	8/27
Labor Day	9/3	9/3
Thanksgiving	11/22-23	11/22-23
Classes end;	12/7	12/5
papers due		
Reading period	12/8-11	12/6-9
Examination period	12/12-21	12/10-21
Grading period	12/22-1/8	12/22-1/13

	Fall 1989	Fall 1990
Classes Begin	1/9	1/14
MLK Day	1/21	1/21
Washington's B-day	2/18	2/18
Spring Break	3/9-17	3/16-24
classes end	4/26	5/2
papers due		
Legislative day	-----	5/1-2
Reading period	4/27-30	5/3-6
Examination period	5/1-9	5/3-22
Grading period	5/10-18	5/23-6/3
Commencement	5/19	6/4

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## NLC PHOTOS



Photo by Frank Torres

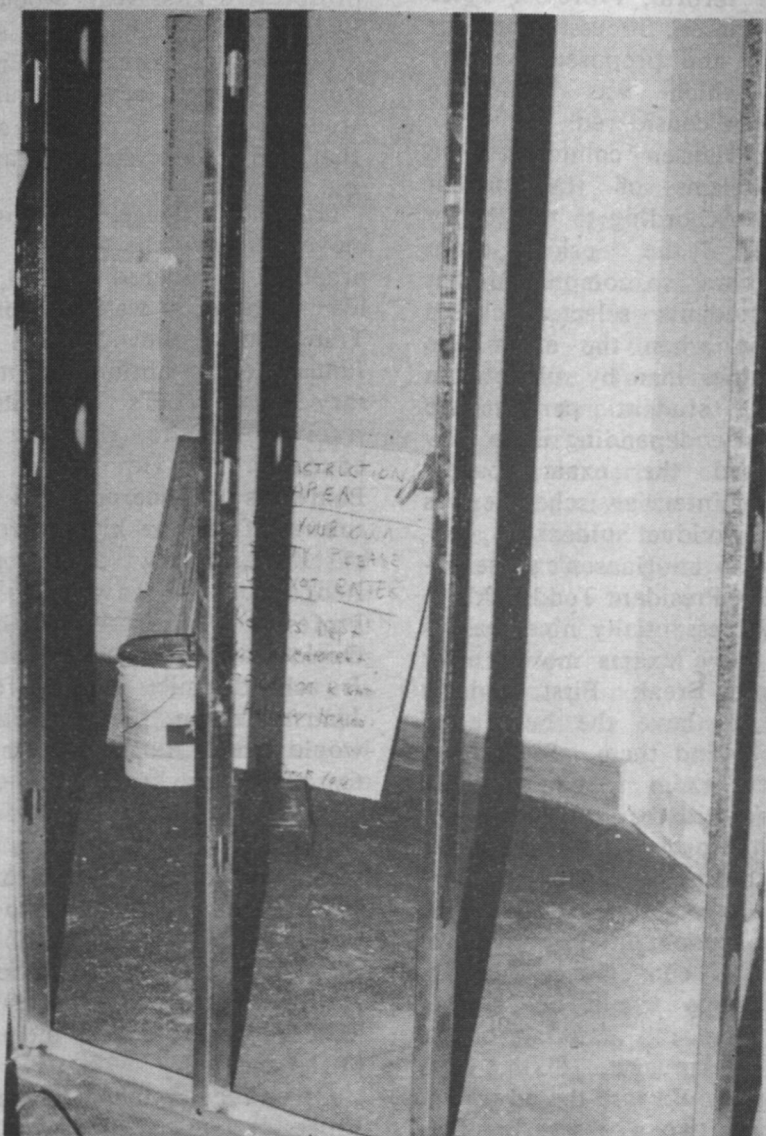


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## SBA Booksale Results

The SBA concluded the largest used booksale in recent SBA history. The service provided for students enabled individual booksellers a medium by which to sell their old textbooks, outlines, even hornbooks. Students in general will receive over \$3,700 in revenue for the books sold and SBA will withhold ten percent as a handling fee and fundraising for future events.

For those students wishing to receive their checks, come to the SBA office during the office hours posted on the door when someone will be able to help you.

**NOTE:** In order to pick up your check, you must go in and claim all unsold books. All books not claimed as of September 22 will be donated to a charity of SBA's choosing. Since the SBA really does not want to go to the trouble of donating any books, it will probably be a charity everybody hates. (Supposedly, the SBA contacted the Association of Child Molesters, Wife Beaters and Drug Pushers (ACMWBDP), who are not interested in the books but do want to eat some of the pages.



## SPORTS

## Tee It Up

by Stephen Comstock

A wise man once told me that there were three things that one needed to know to be a success in life. He said a person should be able to drink scotch, tell lies, and play golf. Well, I learned to drink in college, and law school is teaching me the fine art of postulating positions that might not always conform to the normal modes of accepted thought (i.e. lie). That leaves golf to complete the requirements necessary to be a partner, earn \$100,000+, and enjoy life. But like the road to Carnegie Hall, the path to success through golf is done through practice, practice, practice.

The Washington area has many golf courses within the easy reach of students on which they may perfect their fades, correct their putting form, or chase little white balls through the woods. These courses range in price and degree of difficulty to allow a budding Palmer a varied approach to their game. Constraints of column space do not allow a full listing of the area links, but here are a few of the more popular ones to the students so that others may become horribly hooked on this great game.

D.C. itself has two areas for the student golfer. The closest facility to the school is the East Potomac Golf Course located on Haines Point. Out on that little piece of land are 36 holes for a person to enjoy. There are two 9 hole courses and one 18 hole course. While the two 9's are relatively easy they do provide a good way to warm up or get back into the swing of things for the occasional hacker. The 18 hole course has the facility's only par 5's, but it is still very lenient to the new golfer. Basically, the key to East Potomac is to hit it somewhere on the course; the only out-of-bounds are the river and the channel.

The second facility is located in Rock Creek Park. This course is an 18 hole creation about as varied as one can get. The greens run from good to horrible and the holes are built on land like rollercoaster tracks. Basically, when one plays Rock Creek one had better hope that his or her slice has gone away. The course is hilly and full of narrow fairways lined with trees. When one approaches the 18th tee there comes a sense of relief of being able to sit down soon and of not losing any more of your golf balls.

The price for both D.C. courses is the same: \$5 for 9 holes and \$8 for 18 on the weekdays and \$6 for 9 and \$10 for 18 on the weekends. Carts are available for both and are priced \$8 for 9 and \$14 for 18 holes. The wait for a tee time is longer at Rock Creek because East Potomac has more starting tees but neither is outrageous. There is no reservation policy; both are first come first served. East Potomac has a driving range (\$2 a bucket) which is good to have for the true beginner.

Virginia has three close golf courses in the Fairfax County Park Facility system. The closest is Pinecrest (6600 Little River Turnpike) which is a 9 hole facility. Narrow and hilly, this tough course has sand and water hazards that cause trouble for every type of golfer. A problem (or interesting feature) to this course is that a first time player will have trouble knowing where to aim; only three tees view their respective greens and the nuances of the course are hard learned. Next closest is probably Jefferson (7900 Lee Highway), my personal favorite. This is a light and friendly 9 hole course that is just tough enough to be a challenge. The only drawback is that there are no par 5's for the long hitter. Also, it is not as mentally tough as Pinecrest. Finally there is Greendale (6700 Telegraph Rd., Alexandria). The main feature to this 18 hole course is the water hazards that are on a number of holes. The back 9 has some steep walks; and, as of last inspection, this facility was in great condition.

The Fairfax County courses have variable prices for county and non-county residents. On the weekdays a round of 9 will cost \$7 for county and \$9 for non-county; the weekend round will cost \$9/\$11. For Greendale, the 9 hole price is the same; but, because it is an 18 hole facility, the extra 9 will cost an extra \$2 to the price on weekdays and \$4 to the price on weekends. Reservations can be made for the weekend at Pinecrest and Jefferson on Thursday afternoon only; Greendale will take no reserved tee times. Pinecrest has a small driving range as well as a new video facility that simulates the conditions of a couple of famous golf courses. The golfer plays them by hitting into a screen and a computer figures out the ball's placement for the next shot. The waits for

Go To Page 10, Col. 3

## Run For Fun

by Jeanette Kinane

In the interest of exercising one's body so that it might keep pace with one's rapidly developing intellect, the following runs or "races" (depending on your degree of enthusiasm) are recommended:

Fair Lakes 10K: Sunday 9/17 8:30 a.m., Fairfax, VA, \$14. For entry form send a self-addressed stamped envelope (SASE) to Fair Lakes 10K P.O. Box 554; Springfield VA 22150. (T-shirt: Custom designed - Long sleeve).

Down Syndrome Airport 10K: Sunday, 9/17 8:30 a.m., BWI Airport, \$10. SASE to Westinghouse Electric Corp., P.O. Box 1624; Baltimore, MD 21203. (T-shirt: yes).

Silver Spring Challenge 10K: Saturday 9/23 8:30 a.m. Silver Spring, MD, \$10. SASE to Silver Spring Challenge, Box 9457, Silver Spring, MD 20906. (T-shirt: yes).

Prince William County Classic: Sunday 9/24, 8:30 a.m. Potomac Mills Mall, \$10. SASE to Personnel Office/Prince William County 4343 Ridgewood Center Dr. Woodbridge, VA 22192. (T-shirt: multi-colored, heavy weight).

United Way 10K: Sunday 10/1 8:00 a.m., West Potomac Park, \$10. (Conflicts with Rosh Hashana; so you have to ask

yourself, is G-d a runner and if so, what's His personal best?) SASE to PEPCO Room 709, 1900 Pennsylvania Ave NW, Washington, DC 20068. (T-shirt: ?).

Great Allegany 15K: Saturday 10/7 8:00 a.m., Cumberland MD, \$10. SASE to 40 Scott Ct., Cumberland MD 21502. (T-shirt: literature states "attractive". You be the judge...).

Georgetown 10K: Sunday 10/8 9:30 a.m. M street, \$12. SASE to Georgetown 10K, P.O. Box 554 Springfield VA 22150. (T-shirt: long sleeve, multi colored and arguably the best of the bunch).

Army 10-Miler: Sunday 10/15 8:00 a.m., Pentagon, \$10. SASE to Army 10-Miler P.O. Box 46594, Washington, DC 20050-6594. (T-shirt: long sleeve).

Rockville 10K: Sunday 10/29 9:00 a.m., Montgomery College track, \$10. SASE to Rockville City Hall, Maryland Ave. and Vison St. Rockville MD 20850. (T-shirt: long sleeve).

**NOTE:** A 10k is just over six miles and almost anyone can complete it with minimal training. It makes you feel like a real jock afterward, and plus it's a great way to meet shapely members of the opposite sex who in a very short time will bore you to death because all they talk about is running and by all accounts have never known the pleasures inherent in a cold beer or red meat--but, enjoy.

## Intramural Update

by Mark Spring

For many years the NLC has been well represented in GW's Recreational Sports Program

(Intramurals). Below is a schedule of the upcoming sports events for the fall semester. All students are encouraged to participate.

Intramural Activity	Entry Deadline	Cpt. Mtg.	Activity Begins
Flag football	9/8	9/13	9/16
Golf (my favorite)	9/14	9/20	9/22
Volleyball	9/15	9/19	10/3
Floor Hockey	9/22	9/26	10/2
Tennis (Mix Doubles)	9/28	10/4	10/14
Squash	10/12	10/17	10/20
Raquetball	10/13	10/18	10/27
3 on 3 Hoops	10/20	10/24	10/31
Turkey Trot	11/15	???	11/18

- All entry deadlines are at 5:00 p.m. on the dates indicated.
- All captains meetings are at 12:30 or 5:30 on the dates indicated in Smith Center Rooms 104 or 107.
- For more information call 994-6251.



## SPORTS

### Sports With Springy

by Mark Spring

Baseball season is winding down and many are wondering which teams will win their respective pennant races. Well, I can tell you. In the AL East Baltimore will edge past Toronto by bringing a 2 game lead into their final series at the Skydome and winning one of three. Look for Oakland to pull away from California and Kansas City and win the AL West title fairly easily. In the National League West, San Diego is making a run, but it's a classic case of "too little too late." The Giants will take the division comfortably. The NL East will come down to the last weekend where Ryne Sandberg will heroically propel the Cubs to the division pennant.

I don't understand why everyone was so shocked when Major League Baseball Commissioner Bart Giamatti died last weekend at age 51, after suffering cardiac arrest at his summer home in Martha's Vineyard. The guy was a chain smoker and an avid Boston Red Sox fan; that's enough to cause most men to have a heart attack in their early forties. Imagine the suffering Giamatti must have gone through during the '78 collapse and the '86 World Series choke. It's a miracle he lived this long. In all seriousness, Giamatti's death is a tragic loss. He had a great mind and an unsurpassed love for the game. Given more time, he would have been one of the truly outstanding Baseball Commissioners.

Now, for the moment you have all been waiting for...pre-season NFL predictions. In the AFC East, I like the Bills for two reasons: 1) The Bills have the best defense in the Conference; and 2) My roommate grew up in Orchard Park and it would break his heart if I picked anyone else. In the Central, I am going to

have to go with Warren Moon and the Oilers. The AFC West is a toss-up, its football's version of the AL East (in other words all the teams suck). My best guess here is San Diego and Seattle in a tie at 9-7.

Switching to the NFC, I like the Eagles in the East, even though their defense is a bit suspect. Minnesota should be a scoring machine this season and I look for the Vikings to edge past the aging Bears in the NFC Central. The NFC West is where I make my sleeper pick, the New Orleans Saints. As far as early Super Bowl predictions, I'll go with Buffalo vs. Minnesota.

Did you like Kareem Abdul-Jabbar in *Airplane*? If so, you will probably want to catch *The Exorcist III*, where Patrick Ewing will be playing the seven-foot Angel of Death. The movie is due for release in late winter/early spring.

Last week marked the end of an era in the world of tennis. Chris Evert's retirement from competitive tennis will truly be felt by all who are associated with the sport. Here is a woman that was cheered and loved by crowds all over the world. She was the leading spokesperson and role model for American tennis for many years (both men's and women's). Most impressively, she was the top ranked woman player throughout much of her career, and has captured countless Grand Slam titles. I hope Chrissie will remain active in tennis and American sport, as she is truly a class act.

That about wraps up this week's sports commentary, but before I sign off, I would like to take an opportunity to say hello to Jessie Hester, Syd Thrift, Tom Lang, Joe Greene, Jim Craig, Mike Moses, Donnie Little, Andrei Chesnokov, Tommy Armour III, and Matt Doherty.

### Tee (Cont'd)

From Page 9

tee times at the courses are varied but have been known to be the shortest at Pinecrest, except on weekends when anything goes. Sound advice is to call ahead.

Then there is Maryland. There are two county courses which are relatively close to the school and are fun to play. Needwood (6724 Needwood Rd, Rockville) is a 27 hole facility with an 18 hole course and a small 9 hole executive course. It is a hilly course that is well kept and provides a great round of golf. Mark "I'm going to hit a soft 4 iron" Spring gives this 6,103 yd set of links a high grade. The other nice golf center is located at Northwest Park (15711 Layhill Rd, Silver Spring). This course is longer than Needwood and more of a challenge. It has a nice rolling 9 hole course as well as a tough, 18 hole, 6,732 yd bruiser. There is also a driving range that will offer lighted and heated range action all winter.

The Maryland courses are comparable in price to Virginia and D.C. A 9 hole round will cost \$6.75 on the weekday and \$7.75 on the weekend, 18 holes cost \$12/\$13.75. There is no county resident discount. Reservations may be made 1 to 6 days in advance of the playing date and will cost \$1 per player. While this is bogus to the true golfer, it might be the best way to enjoy these courses because they are very busy. Trying to speed play up by getting a cart is not a good idea unless you want to be put back \$9 for 9 holes and \$16 for 18. Carts are for when you make partner or someone else is paying anyway.

Well, that is it. I am tired of writing, it is a pretty day, and I am late for my tee time. I wish you luck on the links and remember that it is just a game, when you miss that #5!%\*# 2 foot putt for birdie.

### Charlie Hustle

by John C. Yang

While the death of A. Bartlett Giamatti is certainly tragic for the baseball community, it will finally provide a solution to the Pete Rose dilemma that will please everyone. Major league baseball will retain its authority and complete jurisdiction over baseball. Simultaneously, Rose will, in all likelihood, be reinstated into America's national pastime within three years. Both forces will be appeased.

For Giamatti and major league baseball, Rose's alleged gambling was relatively insignificant. If baseball really had the goal of maintaining high ethical and moral standards, many of baseball's current stars (not to mention past ones) would have been targeted by the Commissioner as well. Wade Boggs exploits with Margo Adams, though even less in doubt than Rose's behavior (they have pictures), have drawn only jeers and taunts from opposing fans without any condemnation from the Commissioner's office. Similarly, with the current national concern over the growing drug problem, it seems ironic that Steve Howe of the L.A. Dodgers has received only minimal suspensions and continues to pitch. Of course, there is no life banishment for excessive womanizing or drinking, but baseball's integrity must be preserved. In fact, the Rose proceedings showed that baseball cherishes, above all else, its authority to regulate and discipline itself. Only when Rose filed suit to stop Giamatti from hearing the case did baseball strike back with full force. They became relentless in their pursuit of maintaining jurisdiction over their personnel.

As the case was resolved,  
Go To Page 13, Col. 1



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# LAW SCHOOL NEWS

## Faculty News

On August 15, Professor Harold Green appeared on the Diane Rehm radio talk show. His subject was the Tennessee "frozen embryo" divorce case and more generally the implications of present and emerging reproductive technology.

For four weeks (mid-July to mid-August), Professor Lew Solomon served as the Inaugural Arthur Young Visiting Professor of Tax Law at Monash University of Law in Australia. Professor Solomon co-taught two graduate seminars, Tax Policy and International Taxation. He also presented a faculty seminar on "New Directions in Legal Education: Computer-Assisted Instruction and Other Trends," and gave two lectures, "Law and Policy and Expert Practice Systems: Development, Uses, and Consequences for the Legal Profession."

On June 30th, Professor Solomon participated in a workshop on "Links between Equities and Derivative Products Markets" sponsored by the Office of

### Technology Assessment.

Professor John Banzhaf had two letters published recently in *The New York Times*, the first on the Banzhaf Index" of voting power ["Index for Weighted Voting is Alive and Well," 7/25/89], and the second, also published in other newspapers, about legislative efforts to ban smoking in airplanes ["Widen Smoking Ban," 8/10/89]. *The City Paper* recently did a cover story on Banzhaf ["Banzhaf for the Offense," 8/18-24/89].

Jerry Caplan has been appointed to the White Collar Crime Committee of the American Bar Association Section of Criminal Justice.

On August 25th, Charlie Craver made a presentation on "The Future Status of Labor Organizations" at a symposium in Washington. He has also agreed to become a member of the Editorial Advisory Board of the Michie Publishing Company.

Dean John Jenkins attended the

ABA's annual meeting in Hawaii earlier this month. Dean Jenkins is a member of the ABA House of Delegates which acted on a wide range of issues including age discrimination, alternate dispute resolution, the Model Rules for Disciplinary Enforcement, and instruction in ethics and professionalism in law schools. The House adopted a resolution concerning "flag burning" which opposed both a Constitutional Amendment and legislation criminalizing the desecration of the flag and announced the full support of the ABA "for the proposition that the flag is a revered national symbol that ought to be treated with great respect ..." Dean Jenkins was actively involved in the debate on this and was the author of the compromise amendment which was ultimately adopted.

Professor Jose Alvarez gave a presentation in Costa Rica on August 22 on "Sistemas Regionales de Proteccion de los Derechos Humanos" (regional systems for the protection of human rights) at the seventh

annual Interdisciplinary Course on Human Rights given by the Inter-American Institute of Human Rights. Approximately 130 participants from Canada, the U.S., Central America, and South America attended, including human rights activists, law school professors and deans, and government officials. The President of Costa Rica, Oscar Arias, opened the course.

Professor Lew Solomon's article, *The Greenhouse Effect: A Legal Policy Analysis*, (co-authored) has been accepted for publication by *Environmental Law*. He also delivered for programming and distribution by Shephard's-McGraw Hill the script for an expert system, "Regulation D Under the Securities Act of 1933."

Professor Andy Spanogle, *Documents for International Business Transactions*, 1989 Edition (690pp., West), and *Teacher's Manual for International Business Transactions*, Second Edition, 1989 (398pp., West) (both with Folsom and Gordon).

## Notes From Todd



Okay, I know what you are thinking, "SBA--Yeh, they're alright, they put on some pretty good parties once in a while, and the donuts are there, but really--what have they done for me lately?" Well, under the theory that a good statesman is worthless without a PR manager, I thought I would do a bit of crowing about some of the projects we've worked on and some of the ways we at SBA spend our time. Most people know we're busy, but nobody seems to know at what. Half way through our term of office, I think we deserve a report card.

Many of the improvements have taken place internally, so it is no wonder most students don't really notice a difference. We've reorganized the entire process by which we dispense SBA funds to student groups and put in place a finance board which streamlines the budget process. This allows for more efficient spending of money. We also have implemented a system for reports of student/faculty committees. Whereas previous years, spots on

student/faculty committees would remain vacant for months at a time (or if there were student members, they would have no accountability to the SBA), now we have rigorous competition for each student slot on these committees and bi-weekly reports to the SBA from committees chairs. Although most students might not see a direct benefit in their daily lives, I consider these changes to be the biggest accomplishments so far. A structure for a more effective responsive SBA is now in place.

For areas more visible that would directly benefit you in your daily life, coffee and donut prices have not only not risen, they went down. (With my diet, this resulted in a personal savings of about five dollars a week!) And in case you didn't notice, locker prices stayed the same. (By the way, the other schools that rent lockers charge anywhere between \$18 to \$30 per locker.) Although the price of the Coke and Pepsi went up by a nickel, I think that the new lounge machines improve selection as well as quality and quantity of food offered. Every once in a while they're a rip-off to me too, but believe me, this is not the SBA's jurisdiction! For complaints, call Billy at 994-9317. Right now we're trying to get a refrigerator to help alleviate the storage problem.

I guess I really don't need to go into the fact that we've broken all records for blood drives or parties or Bar Reviews, etc., everybody knows we do that well. But maybe you didn't know that we're planning a charity event to benefit the homeless and we're doing this in coordination with all five area law schools. More on this later.

Last March when the SBA first learned of the possible exam calendar change, we personally lobbied professors and showed all sorts of data and petitions. I am happy to say that I believe they heard what we, the students, had to say. Enjoy your break because exams will be behind you.

Most importantly, I think

students, faculty, and even administrators have an overall improved image of SBA. I can't quite put my finger on it, but there is a feeling of respectability not. This is mostly due to the hard work and dedication of each and every member of the cabinet and SBA board. I could not ask for better, more energetic people with which to work.

Make no mistake, by no means do we intend to rest on our laurels. We intend to do just the opposite and move ahead with the credibility and momentum we have worked so hard to create. So when you ask, "What has SBA done for me lately," I hope you can answer much more than just stay out of scandals (knock on wood)!

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## ENTERTAINMENT

## Mike At The Movies

by Michael Freeman

Recently, many potentially good movies starring a popular actor have debuted, forcing the movie goer to either pay a minimum of \$6 for each movie ticket or wait several long months for the movie to come out on video tape. The result, at least for myself, has been to become more selective of the movies which I view in the theater. Although I will probably end up renting the other movies when they come out on home video, I will feel better paying only a few dollars for an "average" film. Thus, I will make the decision of selecting a movie slightly easier by recommending *The Package* by Gene Hackman.

To begin, anyone who has read

a Robert Ludlum espionage thriller will recognize and love the plot of this movie. The main character is sought after by the police for a murder he did not commit. He is also shot at several times and on a number of occasions, he is placed in a near impossible situation, only to somehow manage an escape. Along the way, he enlists the help of several friends and, in the end, saves the day.

The movie is also made from the same mold of a Ludlum novel. It has a very fast pace, tons of excitement and action, several murders and a touch of humor. Unfortunately, the beginning of the movie is confusing as the viewer attempts to sort out the good guys from the bad.

However, just as most readers have found that each Ludlum novel is impossible to put down once started, this movie holds the viewer's attention throughout.

In the movie, Gene Hackman plays army sergeant John Gallagher, who is entrusted with the responsibility of transporting a military prisoner, a "package", named Tom Hinke, from West Berlin to the United States. After arriving in the U.S., the prisoner, portrayed by Tommy Lee Jones, escapes. Gallagher visits Hinke's wife and soon discovers that the prisoner he brought to the U.S. was not the real Tom Hinke, but Thomas Boyette. Slightly puzzling? It becomes even more so.

Gallagher is then set up as the

murderer of Hinke's wife and is detained at a military base. Meanwhile he gets help from his ex-wife, a lieutenant colonel in the Army, played by Joanna Cassidy. Gallagher escapes from the base and heads with his ex-wife to meet an old friend in Chicago, the site of an upcoming meeting between Bush and Gorbachev.

Now if I gave any more of the plot away, there would be little reason to see the movie. So if you're in the mood for a very good espionage movie and you like Gene Hackman and a lot of excitement and you don't mind a little confusion, you should certainly try to make some time to see *The Package*.

## Rose (Cont'd)

From Page 10

baseball still is its own final authority. Its laws and by-laws are enforced by the Commissioner, the final arbiter. Whether the regulations concerning gambling are anachronistic, in the final analysis, is inconsequential to major league baseball; its goal was to preserve its power to rule and govern. This goal was accomplished.

Pete Rose's goal, on the other hand, was less complex. As the holder of 19 major league records, his only remaining milestone was his induction into the Hall of Fame. His whole career had been carefully tailored to provide the media with good stories. Rose was known for his willingness to oblige writers, the all-important voters for Cooperstown. While banishment from baseball may not end that quest, it certainly jeopardizes it. The outcome may have also seriously tarnished the Rose image, forever encumbering him with an asterisk indicating his lifetime ban from baseball. With these motives in mind, it is easy to understand the approach Rose employed against baseball. The old Charlie Hustle wanted to maintain his image as a competitive, win-at-all-cost person.

The result of the settlement may have destroyed Rose if not for Giamatti's death. If the late Commissioner had had a long

tenure in office, Rose's reinstatement may have become difficult. Giamatti's successor would then have an established precedent, making reinstatement less certain. If Rose's immortalization in Cooperstown is delayed significantly, some of his glory would be lost. As it turns out, a new Commissioner can quite easily reinstate Rose at little expense to anyone. In a recent poll (conducted by the *Washington Post*), two-thirds of the people polled favored Rose's inclusion in the Hall of Fame. This number will surely get higher. Hence, a timely reinstatement of Rose would be supported warmly by the public. Likewise, Rose can still be inducted at his first opportunity in 1992.

Bart Giamatti will be missed by the baseball community. His ability to combine the intellectual aspects of the game with the pure joy of it, enhanced its popularity among scholars and workers alike. Of course, death should never be accepted happily. His sudden death, however, could end his most controversial issue. The new Commissioner should wait a year in reverence to Giamatti, then reinstate Rose. In this manner, a solution amicable to all parties involved will finally be reached.

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## LAW SCHOOL NEWS

### Library Exhibit

by Charlene Bickford

From September 22 through October 7, the main reading room of the Burns Library will be the site of the G.W. showing of "Birth of the Nation: The First Federal Congress, 1789-91," an exhibit created by the First Federal Congress Project (a G.W. research center) in cooperation with the Second Circuit Bicentennial Committee in New York City.

This exhibit provides an overview of the work and extensive accomplishments of this critically important Congress which interpreted the Constitution and fleshed out the document's spare structure.

The Congress held the responsibility for creating the executive departments, insuring adequate revenue to operate the government and fund the Revolutionary War debts, and shaping the federal court system's structure and jurisdiction. In addition, it passed twelve amendments to the Constitution, ten of which achieved ratification by the states and became known as the

Bill of Rights. The 200th anniversary of the congressional passage of the Bill of Rights will occur on September 25th.

The exhibit consists of 14 panels, each focusing on a different topic dealt with by the Congress, such as westward expansion of the "American Empire" or locating the federal capital city. The panels contain copies of official documents, letters, portraits, cartoons, landscapes with accompanying explanatory captions.

Of particular interest is the panel on the Judiciary Act of 1789, which established inferior federal courts (district and circuit) and created a system of parallel jurisdiction for the state and federal courts. This act remains at the foundation of the federal judiciary today and ranks as one of the most outstanding achievements of the First Federal Congress as it brought to fruition the concept of a government composed of three branches.

For more information about this exhibit or the First Federal Congress project, call 676-6777.

### Alumni Profile

by Susan D. Medalie

The world of insider trading, Ivan Boesky, Michael Milken, securities, and high finance is accessible to NLC students through an internship in the Securities and Exchange Commission's Student Observer Program each semester. Such an internship is what led to Ari Brose's entering as a staff attorney at the SEC this fall. Following a life-long interest in the securities markets encouraged by her father who started her investing at age 16, Ari found herself intrigued with the investigatory workings of the Commission, as well as the ever-changing status of the securities laws.

A cum laude graduate of the National Law Center in May, 1989, Ari was active in virtually every aspect of the law school—an enthusiasm recognized by her classmates in awarding her the Michael D. Cooley Award for her dedication and contributions to the law school. In her second year, Brose served on the Dean Search Committee that brought Dean Friedenthal to the NLC. The following year she served as Student Coordinator on the Faculty Search committee along with three other students. Also active in the Student Bar Association, she was instrumental in many activities, including the commencement committee, an examination of an honor code, and pre-orientation 1988. *The Advocate* and the Law Association for Women were on the list of Brose activities as well.

So not to be insular, Brose reached out to the broader university campus, serving as Law School Senator to the GWU Student Association Senate, and later as Vice President for meeting new and interesting people, and for the big case. Those students who wish to talk to Brose about her career plans, should call the External Affairs Office, 994-8226, for Ari's telephone number.

Graduate Affairs in the GWU Student Association Executive Cabinet. As VP for Graduate Affairs, Brose worked to bring together the graduate school

organizations on campus through the Graduate Student Initiative. When not involved in campus politics, Ari lent her talents to the Law Revue each year, ultimately acting as a vocal director in the now-famous *Law Miserables*.

Ari grew up in Amherst, Massachusetts, one of three children. Her father is a vice president of a publishing company, and her mother is a community activist with special interest in career placement.

Ari graduated from Barnard College with a major in European History in 1984. In her senior year, she was captain of the cross country track team.



Ari's first year in law school was tense because of the different demands of law school. Her advice to ease the transition is to allow time for yourself and make time for some physical activity to relax. Ari's greatest fear entering law school was that she wouldn't be as good as everyone else; it was only after first year grades came back that Ari realized she would live to complete her law school education. An avid reader of the National Law Journal, the ABA Journal, the Wall Street Journal, and the New York Times, Ari enjoys immersing herself in the law and seeing the big picture. The chance to be exposed to many different aspects of the law during law school is what Brose liked best about her experience at the National Law Center. If she could change one thing, she would create another building to give student more space to get together to study and socialize. Ari looks forward to her job,

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## STUDENT VIEWS

## Conversation With A Cabbie

by Frank Torres

I had an interesting conversation with a cab driver last week.

We talked about life and law school. Born and raised in D.C. and having driven a cab here for the last 15 years or so, Joe, the cabbie, has seen his share of both.

From such a person I expected the requisite scoffing about the number of lawyers in the world. Instead I got a reminder of what it means to be a member of the legal profession.

At first I did what a fair number of law students do when someone (like a cab driver) asks what they do, I told him I was still in school, hoping that would suffice. No need to tell him more; besides I've already heard all the dead lawyer jokes. But he pressed on and asked what I was studying. I replied that I was in law school. Here it

comes I thought, "Do you know there are more lawyers in Washington than . . . ."

"So you're going to be a lawyer," he said. Then he thought for a moment or two, "That's good. We need lawyers because lawyers . . . well, lawyers run things." I told him for his sake I hoped that wasn't

## Ipse Dixit

true. "No, really," he continued, "lawyers can do anything. Why you can do those lawyer things or you can go run a company or go to work up on the Hill and run the country." I laughed about how that last thought probably frightens many people.

"But aren't you guys trained for that?" he asked.

He went on, "That's what I mean; you lawyers know things the rest of us don't and can do things the rest of can't. That makes you responsible for what goes on."

I think it is that sense of responsibility that most professors at the NLC try to instill in their students. That responsibility extends beyond just acting ethically or doing pro bono work -- it means doing the right thing.

We are given powerful tools in law school. We are taught to analyze critically, to write masterfully, and to speak convincingly. We learn to be advocates for our clients and we are able to solve their problems. It's in the way that we use those tools that makes the difference.

## Food Cart?

by Julie Y. Lee

The long awaited food cart will be delayed for another semester due to seemingly endless "red tape". Despite the efforts of SBA and Dean Friedenthal over the past year, the University has yet to obtain a permit from the city -- and will be unable to do so until the University engineer draws up plans for construction of a closet to store food items and utensils. If no further complications arise, the food cart might be operational in January. The cart is to be placed in the first floor lounge and will carry a wide variety of food ranging from deli sandwiches to fruit.

On a lighter note, S.B.A. has purchased a new full size refrigerator for the third floor lounge. As requested by some students, it will have a freezer section large enough for microwaveable entrees. It should be delivered within the next two weeks. The refrigerator will be cleaned once a week at a time not yet determined. At that time, ALL items will be thrown out.

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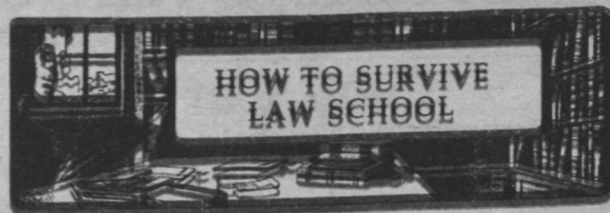


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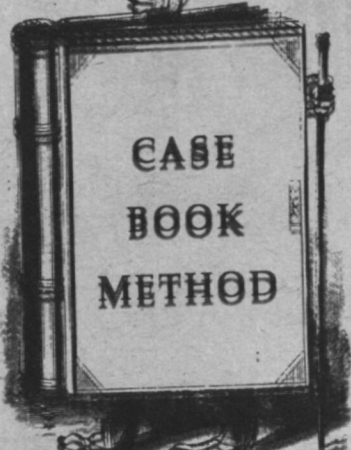


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Following his service in the Navy he attended California Western School of Law. He spent 5 years as a Trial Attorney in Anchorage, Alaska (principally engaged in liability litigation). He served as Co-counsel with Melvin M. Bell in plaintiff's personal injury and medical malpractice cases and as a defense counsel for Underwriters of Lloyd's of London.

He has been admitted to practice law in the State and Federal Courts of Michigan and Alaska; The U.S. Court of Appeals and U.S. Court of Military Appeals; and the U.S. Supreme Court.

He holds membership in the Alaska, Michigan, American and Federal Bar Associations as well as the Association of Trial lawyers of American and the American Judicature Society.

He resides in Ann Arbor, Michigan and Anchorage, Alaska.

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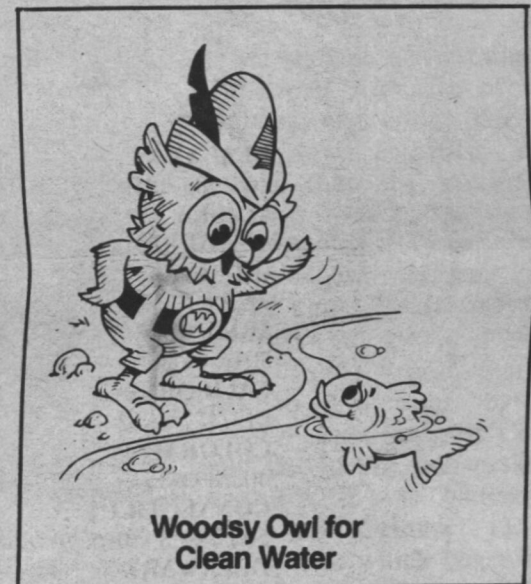
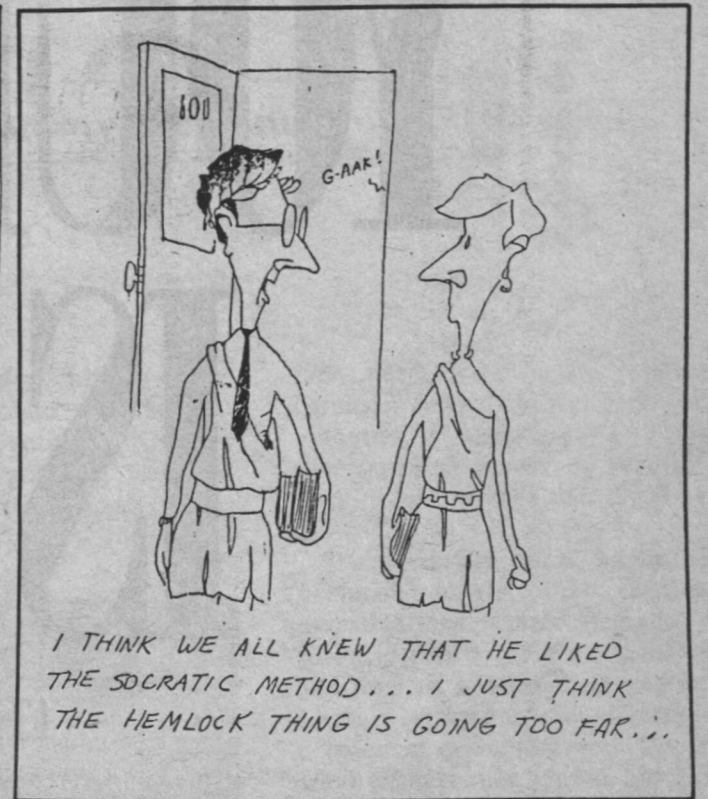
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